

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Department of Transportation, District 5
Attn: Patrick Muench
719 S. Woodland Blvd.
Deland, Florida 32720

Permit No: SAJ-2008-04230 (IP-AWP)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The placement of clean fill material into 5.81 acres of waters of the United States for the widening of Interstate 95 from State Road 46 to the Brevard/Volusia County Line. The work described above is to be completed in accordance with the 3 attachments affixed at the end of this permit instrument.

Project Location: The project is located along Interstate 95 (I-95) between State Road (SR) 46 and the Brevard/Volusia County Line. The project is located in sections 35, 40-42, Township 20 South, Range 34 East, and Section 1, 2, and 12, Township 21 South, Range 34 East, Florida Land Grants: Segui, Acosta, Garvin, and Delespine, Brevard County, Florida.

Directions to site: Directions to the site are as follows: The project begins at the intersection of SR 46 and I-95 and ends at the Brevard/Volusia County Line.

Latitude & Longitude: Latitude 28.7248 North
Longitude 80.8888 West

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Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **May 20, 2019**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to

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ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2008-04230 (IP-AWP), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

4. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 3) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

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b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

5. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

6. **Compensatory Mitigation:** In accordance with the Memorandum of Understanding between the St. Johns River Water Management District (SJRWMD) and the United States Army Corps of Engineers, Jacksonville District signed October 16, 2007 and October 9, 2007 respectively, the SJRWMD shall submit an annual status report and five year update of the mitigation described above. The report shall ensure 4.32 functional units have been replaced by the proposed mitigation. Mitigation has been identified in the 2008 SJRWMD Senate Bill Mitigation Plan # 4068695 defined in Mitigation Project Group SJ 53.

7. The Permittee agrees to purchase a minimum of 4.32 federal credits from a federally approved mitigation bank whose service area covers St. Johns River Water Management District (SJRWMD) Basin 18. This compensatory mitigation will off-set impacts which occur within SJRWMD Basin 18, as defined within the 2008 FDOT Mitigation Plan, BASIN 18: I-95 BASIN 18 PROJECT GROUP SJ53.

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d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

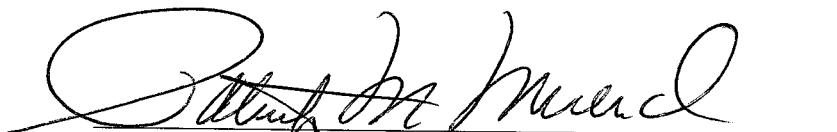
6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this

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permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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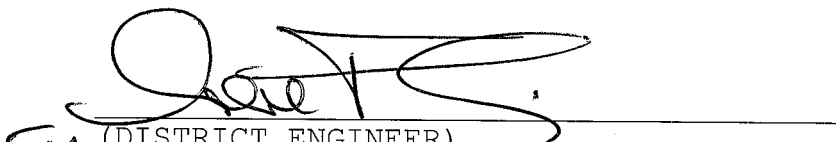
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


(PERMITTEE)

5/26/09
(DATE)

Patrick M. Muench
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.


(DISTRICT ENGINEER)
Paul L. Grosskruger
Colonel, U.S. Army
District Commander

3 JUN 09
(DATE)

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

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***Attachments to Department of the Army
Permit Number SAJ-2008-04230 (IP-AWP)***

1. PERMIT DRAWINGS: 11 pages
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. 6 pages.
3. As-Built Certification: one (1) page

COMPONENTS OF CONTRACT PLANS SET
ROADWAY PLANS
STAGING AND PAVEMENT MARKING PLANS
INTELLIGENT TRANSPORTATION SYSTEMS PLANS
STRUCTURAL PLANS

A DETAILED INDEX APPEARS ON THE
KEY SHEET OF EACH COMPONENT

INDEX OF ROADWAY PLANS

SHEET NO.	SHEET DESCRIPTION
1	KEY SHEET
2-20	SUMMARY OF PART ITEMS
3	FLOOD DATA
4-7	DRAINAGE MAP
8	TYPICAL SECTION
9	GENERAL NOTES
10-20	SUMMARY OF QUANTITIES
21-25	STANDARD OF DRAINAGE STRUCTURES
26-30	PROJECT LAYOUT
31-35	PROPOSED ROUTE
36-40	PLAN TERMINAL DETAIL
41-45	PAVEMENT DETAIL
46-50	DRAINAGE STRUCTURES
51-55	POD DETAILS
56-60	CAST-IN-PLACE WILET PILE DETAILS
61-65	CUVERT EXTENSION 1 STA. 3489+8.29
66-70	CUVERT EXTENSION 2 STA. 3489+8.29
71-75	CUVERT EXTENSION 3 STA. 3489+8.29
76-80	CUVERT EXTENSION 4 STA. 3489+8.29
81-85	ROADWAY SOIL SURVEY
86-90	CROSS SECTION
91-95	POD CROSS SECTIONS
96-100	TRAFFIC CONTROL PLANS
101-105	UTILITY ADJUSTMENTS
106-110	TRAFFIC MONITORING SITE

ENGINEERING STANDARDS AND SPECIFICATIONS
FURNISHED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION,
AND STANDARD SPECIFICATIONS FOR ROAD AND
BRIDGE CONSTRUCTION DATED 2004
AS AMENDED BY CONTRACT DOCUMENTS.

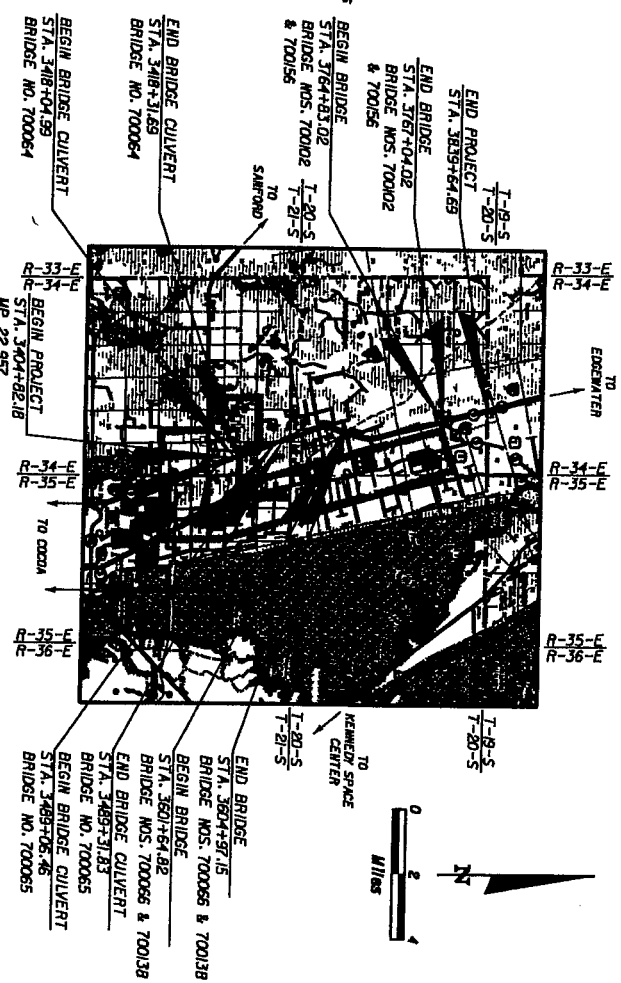
APPROVAL DESIGN STANDARDS AND SPECIFICATIONS, DRAWING
FOR DESIGN STANDARDS AND SPECIFICATIONS go to the following URL:
<http://www.dot.state.fl.us/standards/DesignStandards/DesignStandards.htm>

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11-5-08

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

CONTRACT PLANS

FINANCIAL PROJECT ID 406869-5-52-01
BREVARD COUNTY (70225)
STATE ROAD NO. 9 (I-95)



PROJECT LENGTH IS BASED ON £ OF CONSTRUCTION

LENGTH OF PROJECT	LINEAR FEET	MILES
ROADWAY	41929.18	6.130
BRIDGES	553.33	0.104
NET LENGTH OF PROJECT	43482.51	6.235
EXCEPTIONS	0.00	0.000
GROSS LENGTH OF PROJECT	43482.51	6.235

FOOT PROJECT MANAGER: JENNIFER WHEELAND

KEY SHEET REVISIONS

DATE	BY	REVISION

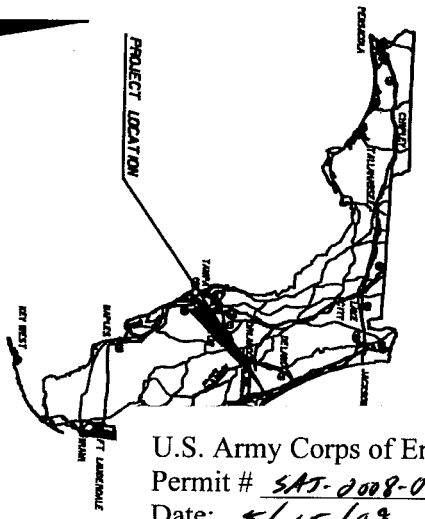
RECEIVED

NOTARY PUBLIC
EXEMPTED BY RECORDS: STEVEN H. ANDREWS, P.E.
F.A. NO. 1 385-00

FISCAL YEAR	38
SHEET NO.	1

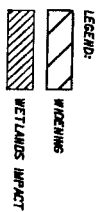
KCG
KELLY, COLLINS & GENTILE, INC.
ENGINEERS
1101 N. CHANDLER AVE., SUITE 400, ORLANDO, FL 32804
STEVEN H. ANDREWS, P.E.
REGISTERED PROFESSIONAL ENGINEER
LICENSE NO. 38484

NOTE: THE SCALE OF THESE PLANS MAY
VARY DUE TO REPRODUCTION.



U.S. Army Corps of Engineers
Permit # SAT-2008-04230
Date: 5/15/09
Attachment: 2

NOV 06 2008
JACKSONVILLE DISTRICT
USACE



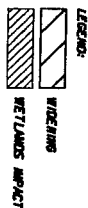
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 9	BREVARD	406955-5-52-01

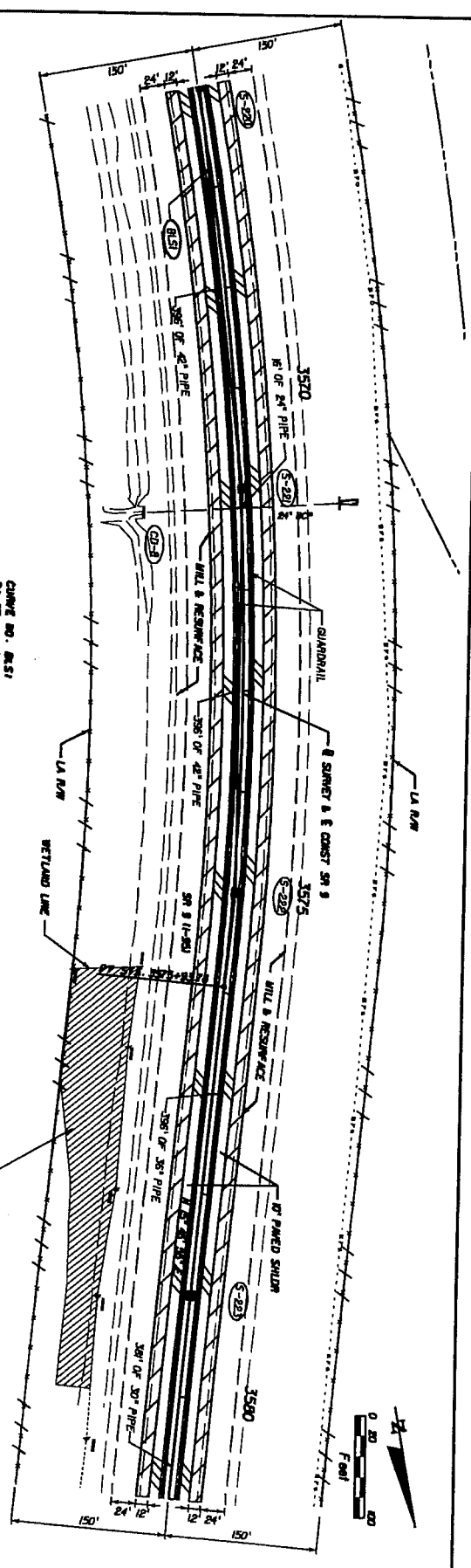
DATE

PLAN & PROFILE

0	SHEET NO.	38
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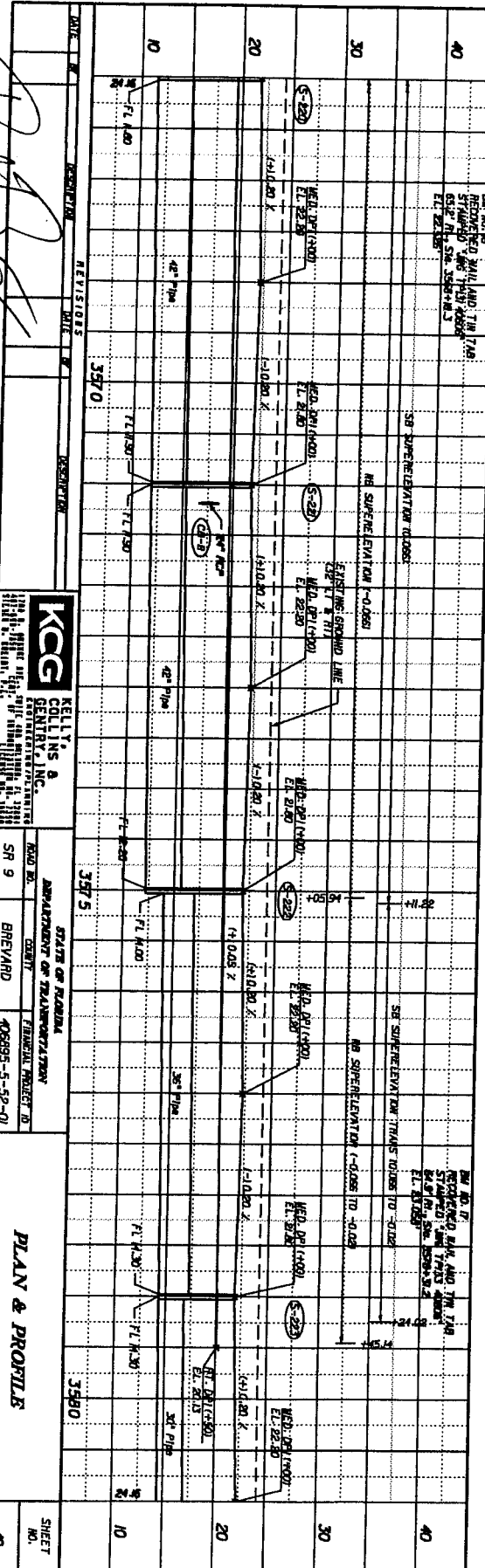
NOTICE: THE OFFICIAL RECORD OF THIS CASE IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 60.5-23.003, F.A.C.





CURVE NO. 1
 PT STA. = 3542+01.32
 PC STA. = 3542+01.32
 PI STA. = 3542+01.32
 PE STA. = 3542+01.32
 PTA STA. = 3542+01.32
 CURVE NO. 2
 PT STA. = 3542+01.32
 PC STA. = 3542+01.32
 PI STA. = 3542+01.32
 PE STA. = 3542+01.32
 PTA STA. = 3542+01.32

LEGEND
 WETLANDS
 WETLANDS IMPACT



KCCG
 KELLY'S &
 GENTRY, INC.
 ENGINEERS
 1111 N. 11TH ST.
 SUITE 100
 DENVER, CO 80202

STATE OF MINNAPOLIS
 DEPARTMENT OF TRANSPORTATION
 COUNTY OF MINNAPOLIS
 SR 9
 BIRCHARD
 406695-5-52-01

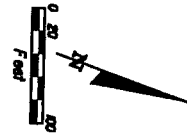
PLAN & PROFILE

SHEET NO. 49

11-5-08

LEGEND

- SILT FENCE
- STAKED TURBIDITY BARRIER
- HAY BALES
- APPROXIMATE ALGER BORING LOCATION



REFERENCE POINT	STATION	OFFSET	RADIUS
1	50+00.00	0.00	50.00
2	50+00.00	0.00	50.00
3	50+00.00	0.00	50.00
4	50+00.00	0.00	50.00
5	50+00.00	0.00	50.00
6	50+00.00	0.00	50.00
7	50+00.00	0.00	50.00

* BACK OF MAINTENANCE BERM

DESIGN STONE	DWV ELEVATION
25 TYP. 24 INCH	0.00
WALL AT 24 INCH	0.00

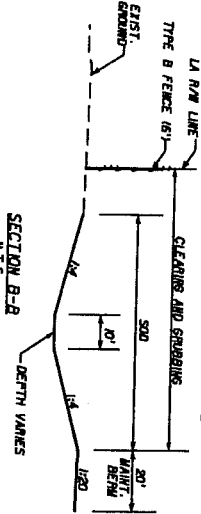
- NOTES:
1. A PERMANENT BENCHMARK FOR THE NO. 250-401 SHALL BE CONSTRUCTED AT THE LOCATION. SEE PLAN FOR RECOMMENDED LOCATION.



WETLANDS IMPACT

WETLANDS IMPACT= 2.28 ACRES

CONST. TYPE B FENCE (B)



SECTION B-B

N.T.S.

SECTION A-A

N.T.S.

KCG

KELLY GRANTING & ENGINEERING, INC.
1700 N. GARDEN AVE., SUITE 400, ORLANDO, FL 32814
ROBERT M. BOUTERFIELD, P.E., LICENSE NO. 10001

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
CENTRAL PROJECT NO. SR 9
BREVARD 405689-5-52-01

POND 2 DETAILS

SHEET NO. 143

LEGEND

SILT FENCE
 STRAKED TURBIDITY BARRIER
 HAY BALES
 APPROXIMATE AUGER BORING LOCATION

N
 0 20 40
 Feet

REFERENCE POINTS	STATION	OFFSET	COORDS
1	36+28.22	50.00' LT	80.20'
2	36+41.54	33.90' LT	80.00'
3	36+48.55	87.00' LT	80.00'
4	36+41.00	87.00' LT	80.00'
5	36+08.77	85.00' LT	80.00'
6	36+08.77	45.00' LT	80.00'
7	36+08.77	30.00' LT	80.00'

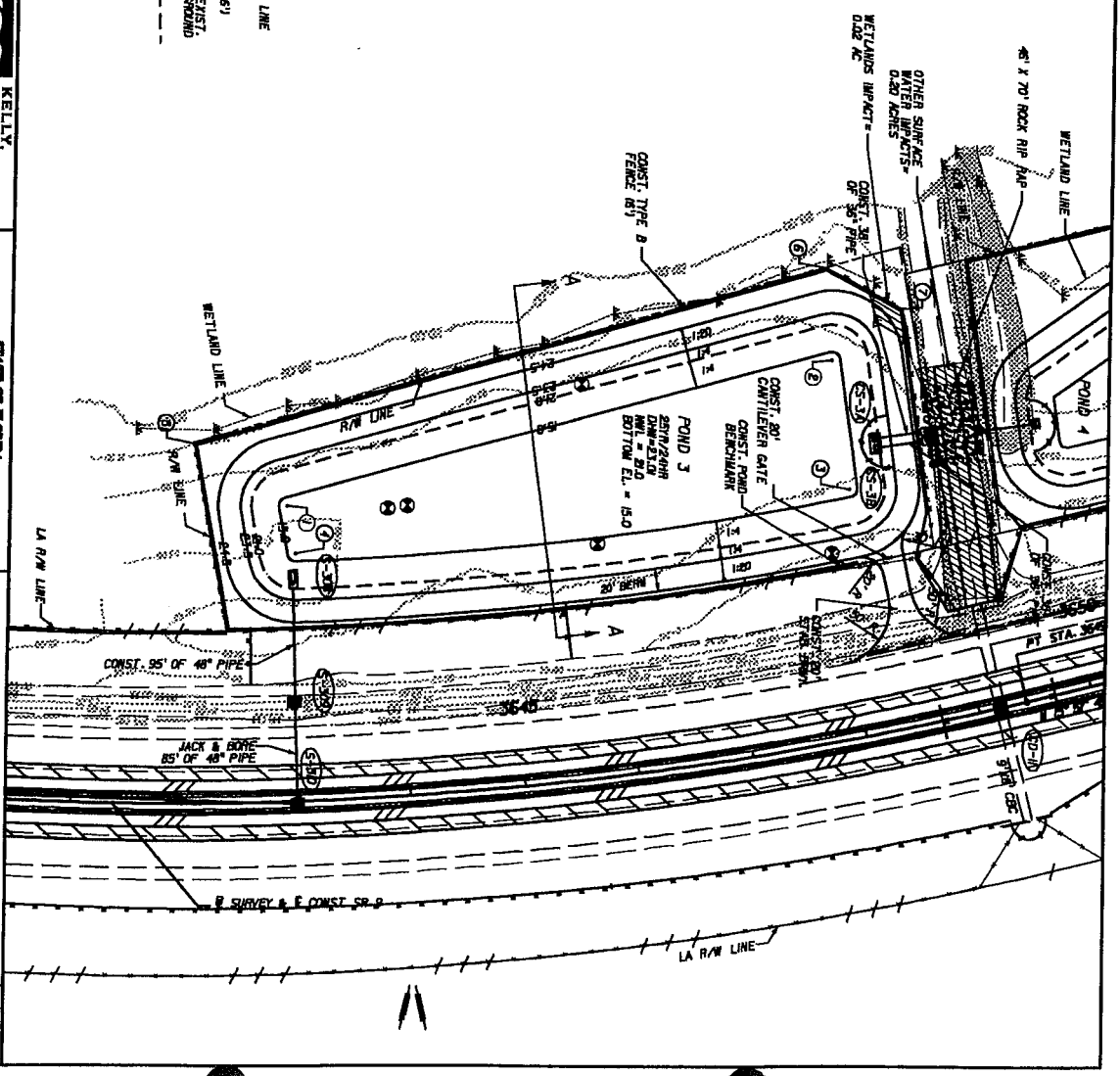
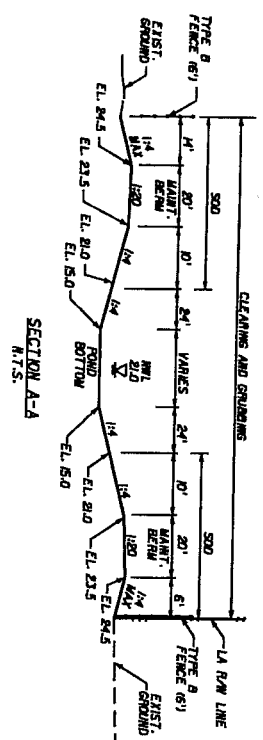
DESIGN STORM	DHW ELEVATION
25 YEAR / 24 HOUR	23.00
100 YEAR / 24 HOUR	23.20

* BACK OF MAINTENANCE BERM






NOTES:

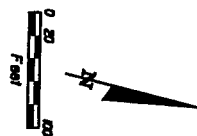
1. PERMANENT BENCHMARK (PBM) ITEM NO. 2500-001
 2. ALL DIMENSIONS SHOWN ARE IN FEET AND INCHES.
 SEE PLAN FOR RECOMMENDED LOCATION.



KCG KELLY, COLLINS & GENTRY, INC. ENGINEERING & PLANNING 1015 S. GARDEN AVE., SUITE 100, ANAHEIM, CA 92805 (714) 938-7700 FAX (714) 938-7701 ROBERT A. GENTRY, P.E. (LIC. NO. 4487)	STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION COUNTY OF BREKID SR 9 BREKID 40869-5-52-01	SHEET NO. 144
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11-5-08

 SILT FENCE
 STAKED TURBIDITY BARRIER
 HAY BALES
 APPROXIMATE AUSGER BORING LOCATION



	REFERENCE POINTS	STATION E, S, N	OFFSET	RADIUS •
1	3630.72, 12.0	245.40, 1.7	55.00'	
2	3634.70, 5.0	238.34, 1.7	55.00'	
3	3635.40, 1.0	227.00, 1.7	61.00'	
4	3639.42, 12.0	217.00, 1.7	61.00'	
5	3646.71, 29.0	204.63, 1.7		
6	3653.45, 45.0	192.13, 1.7		
7	3657.40, 12.0	179.83, 1.7	55.00'	
8	3657.40, 12.0	172.57, 1.7	55.00'	

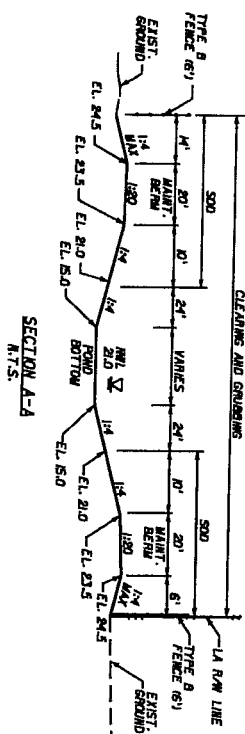
BACK OF MAINTENANCE DEPT

DESIGN STORM	DWY ELEVATION
25 Year / 24 Hour	22.94
Mean Annual / 24 Hour	22.85

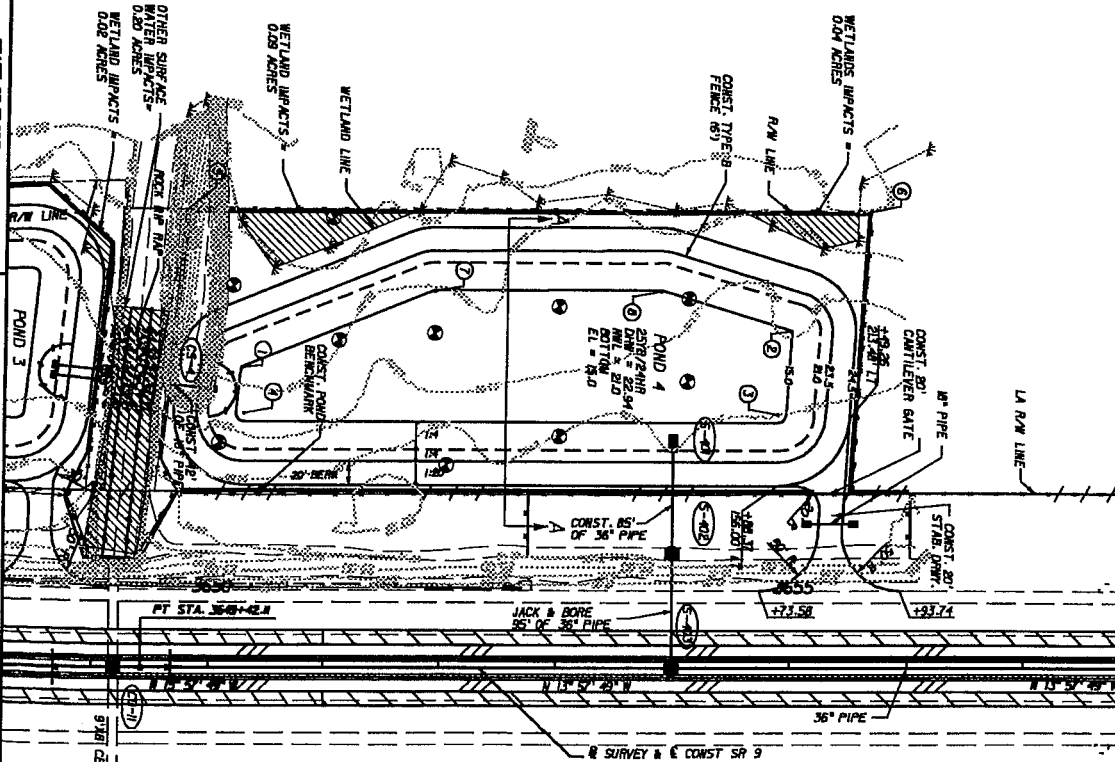
 WETLANDS IMPACT

NOTES:

1. A PERMANENT BENCHMARK (PIT ITEM NO. 2500-400) SHALL BE CONSTRUCTED NEAR CONTROL STRUCTURE SEE PLAN FOR RECOMMENDED LOCATION.



SECTION A-6
N.T.S.







NOTICE: THE OFFICIAL RECORD OF THIS IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 6015-23.003, F.A.C.

KCG
KELLY,
COLLINS &
GENTRY, INC.
ENGINEERING & PLANNING
1778 W. GARDNER AVE., SUITE 400, ORLANDO, FL 32806
407-889-7666 CENT. OF AUTOMATIZATION RD. 7500
ROBERT M. BUTTENFIELD, P.E. LICENSE NO. 44637

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 9	BREVARD	406869-5-52-01

POND & DETAILS

**SHEET
NO.**
145

 SILT FENCE
 STAKED TURBIDITY BARRIER
 HAY BALES
 APPROXIMATE AUGER BORING LOCATION

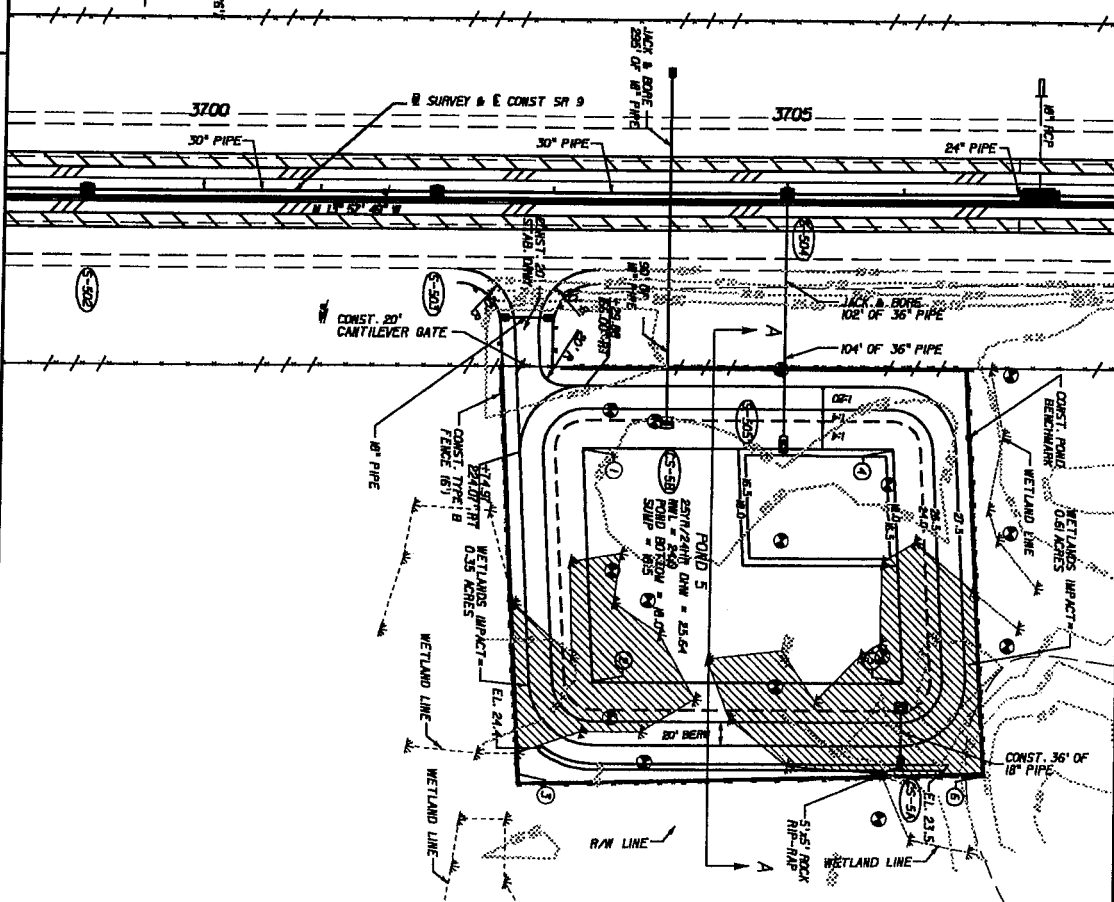
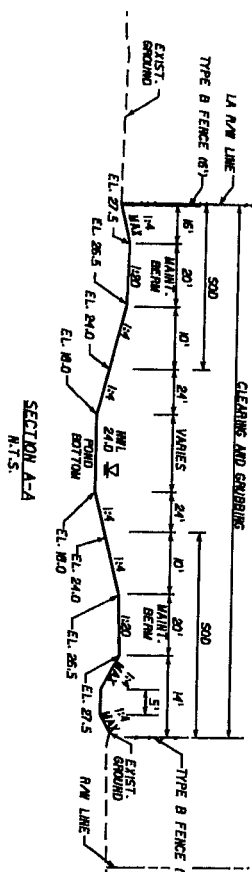
MEETING POINTS	STATION & SR	OFFSET	MADDS *
1	3703-28.28	221.00' RT	55.00'
2	3703-40.56	463.4' RT	53.00'
3	3702-71.68	434.4' RT	55.00'
4	3705-141.06	281.00' RT	55.00'
5	3705-04.12	463.4' RT	55.00'
6	3705-76.68	463.4' RT	

DESIGN STORY	DRAW ELEVATION
25 year / 24 hour	25.64
Mean Annual / 24 hour	25.12

WETLAND IMPACTS

NOTES:

1. A PERMANENT BULKHEAD (P&Y ITEM NO. 2500-00) SHOULD BE CONSTRUCTED NEAR CONTROL STRUCTURE SEE PLAN FOR RECOMMENDED LOCATION.



NOTICE: THE OFFICIAL RECORD OF THIS CASE IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 6045-23.003, F.A.C.

KCG
RELLY,
COLLINS &
GENTRY, INC.
ENGINEERING & PLANNING
1783 N. ORANGE AVE., SUITE 408 OLANDA, FL 32668
407-886-7886 CFTY. OF AUTHORIZATION NO. 7387
ROBERT M. BUTTERFIELD, P.E. LICENSE NO. 4455

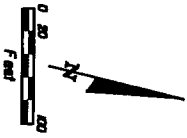
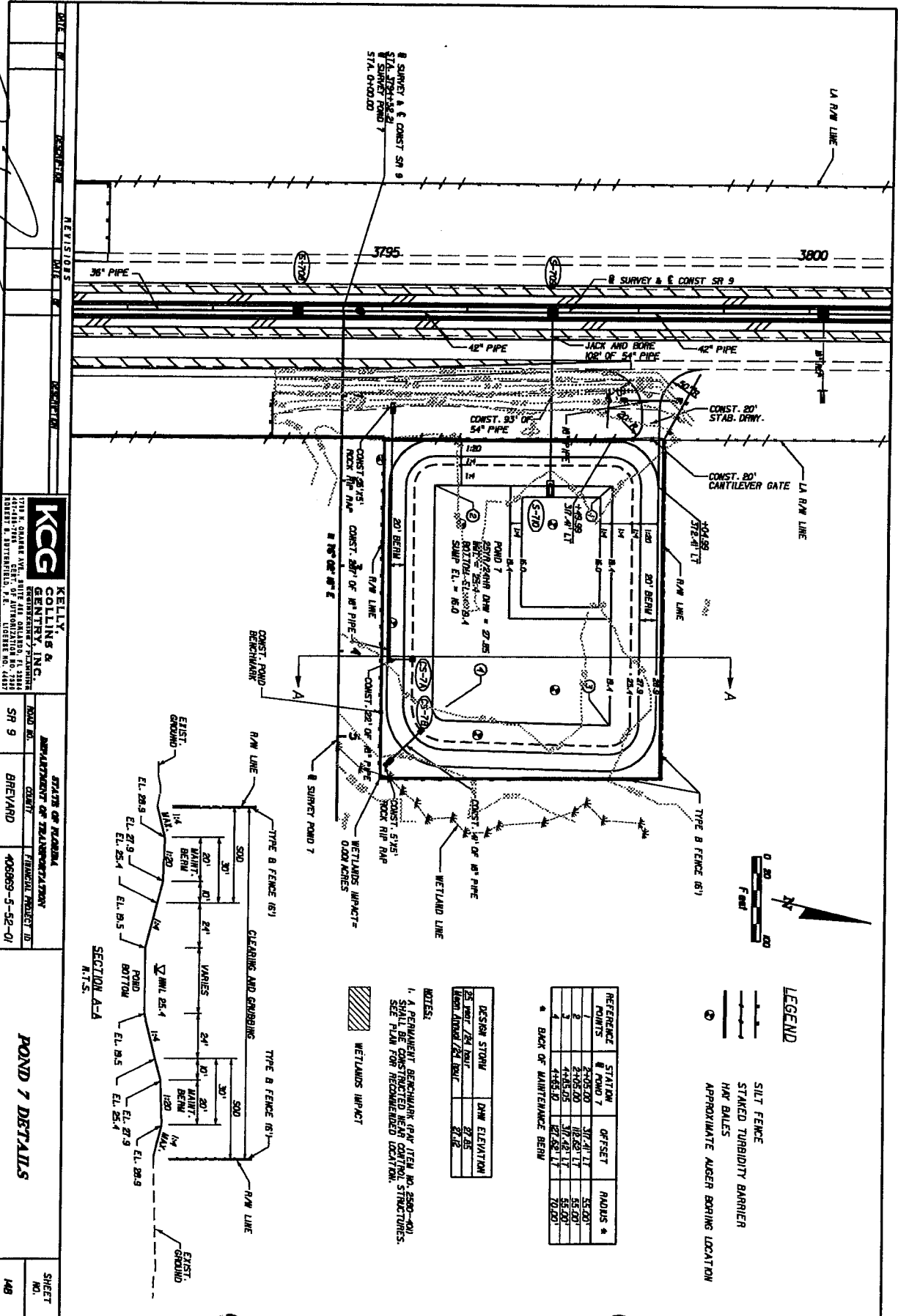
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 9	BREVARD	406869-5-52-0

POND 5 DETAILS

145

11/06/2016 10:00 AM

11-5-08



LEGEND

- SILT FENCE
- STAKED TURBIDITY BARRIER
- HWY BALES
- APPROXIMATE AUGER BORING LOCATION

REFERENCE POINTS	STATION	OFFSET	MAIDS #
1	2+00.00	30' 41" LT	55.007
2	2+00.00	10' 48" LT	55.007
3	2+00.00	10' 48" LT	55.007
4	2+00.00	10' 48" LT	55.007
5	2+00.00	10' 48" LT	55.007

* BACK OF MAINTENANCE BERM

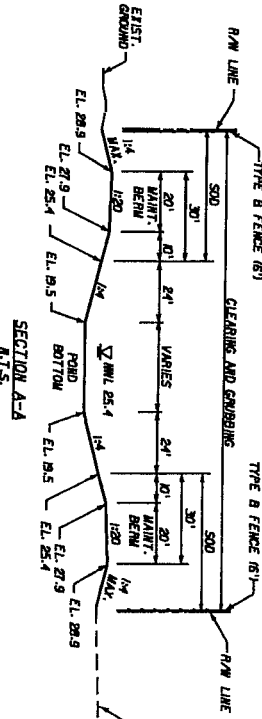
DESIGN STORM	DNV ELEVATION
25 YEAR / 24 HOUR	27.05
100 YEAR / 24 HOUR	27.12

NOTES:

1. A PERMANENT BENCHMARK (PBM) TYPE NO. 2500-001 SHALL BE SET AND MONITORED FOR SETTLEMENT. SEE PLAN FOR RECOMMENDED LOCATION.



WETLANDS IMPACT



KCCG
KELLY, COLLINS & GRIFFIN, INC.
REGISTERED PROFESSIONAL ENGINEERS
701 N. GARDNER AVE., SUITE 400, OAKLAND, CA 94612
ROBERT E. GRIFFIN, P.E., LICENSE NO. 4531

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
COUNTY OF ALameda
SR 9
BREVARD
40689-5-32-01

POND 7 DETAILS

SHEET NO. 148

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO. 4-009-119034-1

DATE ISSUED: May 12, 2009

PROJECT NAME: I-95 (SR 46 to Brevard/Volusia Co Line), FPID 406869-5

A PERMIT AUTHORIZING:

Construction of a Surface Water Management System for I-95 (From SR 46 to Brevard/Volusia Co Line), FPID 406869-5, a 132.6 - acre project to be constructed in Brevard County. This permit also authorizes work in, on, or over 5.81 acres of wetlands and other surface waters.

LOCATION:

Section(s): 35 Township(s): 20S Range(s): 34E
1, 2, 12 21S 34E

Brevard County

ISSUED TO:

FDOT District 5
719 South Woodland Blvd
Deland, FL 32720

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights of privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:


PERMIT IS CONDITIONED UPON:


See conditions on attached "Exhibit A", dated May 12, 2009

AUTHORIZED BY: St. Johns River Water Management District

Department of Water Resources

Governing Board

By: 
Jeff Elledge
(Director)

By: 
Kirby B. Green III
(Assistant S

U.S. Army Corps of Engineers
Permit # SAT-2008-04230
Date: 5/15/09
Attachment: 2



"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 4-009-119034-1
FDOT DISTRICT 5
DATED MAY 12, 2009

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40C-4.900(3) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40C-4.900(4). These forms shall be submitted during June of each year.
8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance

documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

9. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by the portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.
10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 40C-1.181(13) or 40C-1.181(14) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings: 1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers; 2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters; 3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine state-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate; 4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system; 5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system; 6. Existing water elevation(s) and the date determined; and Elevation and location of benchmark(s) for the survey.
11. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of general condition 9 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes

effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.

12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior implementation so that a determination can be made whether a permit modification is required.
13. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under rule 40C-1.1006, F.A.C., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rule 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
20. This permit for construction will expire five years from the date of issuance.
21. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
22. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.

23. Prior to construction, the permittee must clearly designate the limits of construction on-site. *The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.*
24. The surface water management system must be constructed and operated as per plan received by the District on November 5, 2008, as amended by the plans received by the District on February 20, 2009.
25. The stormwater management system must be inspected by the operation and maintenance entity once within two years after the completion of construction and every two years thereafter to insure that the system is functioning as designed and permitted. If a required inspection reveals that the system is not functioning as designed and permitted, then within 14 days of that inspection the entity shall submit an Exceptions Report on form number 40C-42.900(6), Exceptions Report for Stormwater Management System Out of Compliance. The operation and maintenance entity must maintain a record of each required inspection, including the date of inspection, the name, address, and telephone number of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours.
26. Mitigation to offset the 5.61 acres of impacts to wetlands and other surface waters authorized by this permit will be provided through Section 373.4137, F.S.
27. The District must be included in the mailing list for any pre-construction meetings and weekly status meetings. Notifications must include the project name and Environmental Resource Permit number, and may be mailed to:

St Johns River Water Management District
P.O Box 1429
Palatka, Florida 32178-1429

or emailed to:

applicationsupport@sjrwmd.com.

28. Prior to initiation of construction, the permittee shall submit a detailed erosion and sediment control plan to the District for written approval. The plan shall detail all erosion and sediment control measures to be implemented both during and after construction. At a minimum, the plan shall include:
- Identification of any areas where any dewatering will be performed during construction;
 - Details of specific erosion and sediment control measures to be implemented to control the discharge of turbid water due to any dewatering activities; and
 - Construction sequencing and details of all erosion and sediment control measures to be implemented during each sequence.

Construction shall not commence until the permittee receives written approval of the plan from the District.

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineered drawings to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-2907.

1. Department of the Army Permit Number: _____

2. Permittee Information:

Name _____

Address _____

3. Project Site Identification:

Physical location/address _____

4. As-Built Certification:

I hereby certify that the authorized work has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (Please type)

Florida Reg. Number

Company Name

Address

City

State

ZIP

(Affix Seal)

Date

Telephone Number

Deviations from the approved plans and specifications: (attach additional pages if necessary)

U.S. Army Corps of Engineers
Permit # SAT-2008-04230
Date: 5/15/09
Attachment: 3



Statement of Findings

Number: _____



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CESAJ-RD-NC
SAJ-2008-4230 (IP-AWP)

FEB 12 2009

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and
Statement of Finding for Above-Numbered Permit Application

1. Applicant: Florida Department of Transportation-District 5
Attn: Patrick Muench
719 South Woodland Blvd.
DeLand, Florida 34720

2. Location, Existing Site Conditions, Project Description,
Changes to Project:

a. Location: The project is located along Interstate 95 (I-95) between State Road (SR) 46 and the Brevard/Volusia County Line. The project is located in sections 35, 40-42, Township 20 South, Range 34 East, and Section 1, 2, and 12, Township 21 South, Range 34 East, Florida Land Grants: Segui, Acosta, Garvin, and Delespine, Brevard County, Florida. The project as proposed will impact wetlands hydrologically connected to the St. Johns River.

b. Existing Site Conditions: The project corridor consists of residential development, roadways, and natural lands (both wetlands and uplands). The upland habitats include citrus, herbaceous, shrub and brush land, pine flatwoods, hardwood forest, and coniferous plantations. The adjacent wetlands have been characterized as:

Wet Pine Flatwoods: These areas are common in Florida and are regulated by a natural burn cycle. They are dominated by slash pine (*Pinus elliottii*), longleaf pine (*Pinus palustris*), or pond pine (*Pinus serotina*), with understory species of saw palmetto (*Serenoa repens*), wax myrtle (*Myrica cerifera*), gallberry (*Ilex glabra*), herbs and brush. When the burn cycle is suppressed, these areas often become overgrown and other species become present. This cover type is categorized differently from Pine Flatwoods because of soils indicating hydric conditions and the presence of more hydrophytic vegetation.

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Mixed Wetland Hardwoods: This category is reserved for those wetland hardwood communities which are composed of a large variety of hardwood species tolerant of hydric conditions yet exhibit an ill defined mixture of species.

Cypress: This community is dominated by either pond cypress (*Taxodium ascendens*) or bald cypress (*Taxodium distichum*), sometimes even being a monoculture of one species. Other common associates are swamp tupelo (*Nyssa sylvatica*), slash pine (*Pinus elliotii*), black titi (*Cliftonia monophylla*), water tupelo (*Nyssa aquatica*), red maple (*Acer rubrum*), and American elm (*Ulmus americana*). Many areas of cypress exist in the project corridor, though predominantly in areas of larger sloughs and domes. Areas of cypress exist within the median wetlands as well, as remnants of the larger systems crossing the road at various places.

Wetland forested mixed: This category is for wetland forest where neither conifers nor hardwoods achieve a canopy dominance of 66 percent. Typical species include cypress, red maple (*Acer rubrum*), American elm (*Ulmus americana*), live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), sweetgum (*Liquidambar styraciflua*), slash pine (*Pinus elliotii*), and pond pine (*Pinus serotina*). These areas are inter-mixed within the landscape, and often occur slightly upslope of cypress communities.

Freshwater marshes: This community is categorized by the dominance one or more obligate or emergent species such as saw grass (*Cladium jamaicense*), cattail (*Typha latifolia*), arrowhead (*Sagittaria* sp.), maidencane (*Panicum hemitomon*), giant cutgrass (*Zizaniopsis miliacea*), switchgrass (*Panicum virgatum*), bulrush (*Scirpus* sp.), needlerush (*Juncus roemerianus*), common reed (*Phragmites australis*), or arrowroot (*Zamia pumila*).

Wet Prairies: This habitat classification is composed predominately of grassy vegetation and hydric soils. These areas

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usually have less water and shorter herbage than marshes. Common dominant species include saw grass, maidencane, cordgrass (*Spartina bakeri*), spikerush (*Eleocharis* sp.), St. Johns wort (*Hypericum* sp.), spiderlily (*Hymenocallis* sp.), and whitetop sedge (*Rhynchospora* sp.).

Treeless Hydric Savanna: This habitat is characterized by the lack of canopy and abundance of herbaceous vegetation. These areas are usually dominated by wiregrass (*Aristida stricta*) that is accompanied by various wetland grasses, forbs, and shrubs.

Streams and Waterways: This classification consists of the various ditches and canals that flow under I-95. Vegetation includes primrose willow, Carolina willow, smartweed, Caesarweed, and scattered cypress.

c. Project Description: The applicant proposes to impact 5.81 acres of waters of the United States, including wetlands, for the widening of I-95 from four to six lanes. Widening will occur to the inside of the existing travel lanes. The only work proposed outside of the existing right-of-way is associated with the creation of stormwater management ponds.

The applicant has requested a 10-year expiration date on any permit authorized.

d. Changes to Project: No changes have occurred since submittal.

3. Project Purpose:

Basic: Widening of an existing interstate system.

Overall: Widening of the existing interstate system including the associated stormwater management system in Brevard County, Florida.

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4. Scope of Analysis: The scope of analysis includes the entire right-of-way and stormwater pond locations.

5. Statutory Authority: Section 404 of the Clean Water Act of 1972, as amended.

6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. State water quality certification (WQC): The St. Johns River Water Management District (SJRWMD) permit/certification number 4-009-119034-1 was issued 12 May 2009.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida CZM. Issuance of a SJRWMD permit certifies that the project is consistent with the CZM plan.

c. Other authorizations: N/A

7. Date of Public Notice and Summary of Comments:

a. Important dates: The Corps received the application on 6 November 2008. The Corps considered the application complete on 25 November 2008. The Corps issued a public notice on 25 November 2008 and sent this notice to all interested parties including appropriate State and Federal agencies.

b. Public notice comments: The Corps has reviewed all of the comments submitted in response to the circulation of the public notice. The Corps has summarized these comments below:

(1) U.S. Environmental Protection Agency (EPA): No response received.

(2) U.S. Fish and Wildlife Service (USFWS): Responded

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via letter dated 5 January 2009, stating they concur with the U.S. Army Corps of Engineers determination of "no effect" to federally listed species.

(3) National Marine Fisheries Service (NMFS): Responded via letter dated 5 December 2008, stating that the on-site wetlands contribute plant material and other useable nutrients into aquatic food webs that include recreationally, commercially, and ecologically important species within downstream estuaries. NMFS determined the mitigation proposed by the applicant is suitable to offset the lost functions and values to downstream federally managed fisheries species.

(4) State Historic Preservation Officer (SHPO): SHPO did not respond to the public notice.

(5) State and local agencies: No responses received.

(6) Organizations: No responses received.

(7) Individuals: Mr. Stephen Reiner responded to the public notice. He expressed concerns regarding impacts to his property.

c. Response to the comments: No response was received from the applicant.

8. Alternatives

a. Avoidance: The Florida Department of Transportation (FDOT) developed quality enhancement strategies for avoiding and minimizing impacts to wetlands. Alternatives were evaluated during the Project Development and Environmental study (PD&E). It was determined that widening to the inside of existing lanes was the best alternative based on the fact that no wetlands occur within the median. The no action alternative was evaluated, however; it was determined that it would not allow

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for roadway expansion which would lead to traffic delays, safety concerns, increased fuel usage, and a decrease in level of service. Impacts to wetlands from the selected alternative are due to entrance and exit ramp modifications for safety of operations and for stormwater management and treatment facilities.

b. Minimization: The applicant has minimized impacts to the greatest extent possible while still meeting the project purpose. Wetland impacts occur due to culvert extensions and stormwater management facilities. It was determined that stormwater ponds were the preferred treatment method over roadside swales due to safety concerns and long term function. Pond locations were sited in areas where drainage breaks occur and impacts to wetlands would be minimized. Widening to the inside of the existing roadway has also minimized impacts to wetlands. The applicant has completed an Environmental Assessment as part of the PD&E and determined the plans submitted are the least damaging alternative and include the most minimization of wetland impacts. The Corps generally concurs with these findings.

c. Project As Proposed: The project as proposed would result in direct impacts to 5.81 acres of jurisdictional wetlands and secondary impacts to 9.89 acres of jurisdictional wetlands.

d. Conclusions of Alternatives Analysis: The applicant has completed a PD&E study and determined the proposed project will not have a significant impact on the human environment. The road system is considerably under sized for the existing traffic loads. The proposed impacts are located immediately adjacent to the right-of-way and the mitigation is sufficient to compensate for the impacts proposed.

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9. Evaluation of the 404(b)(1) Guidelines:

a. Restrictions on discharges:

(1) Alternatives (See paragraph 8):

(a) The activity is located in a special aquatic site
(wetlands, sanctuaries and refuges, mudflats, vegetated
shallows, coral reefs, riffle and pool complexes, etc.)

yes(X) no()

(b) The activity needs to be located in a special
aquatic site to fulfill its basic purpose. yes() no(X)

(c) It has been demonstrated in paragraph 8 above that
there are no practicable nor less damaging alternatives which
would satisfy the project's overall purpose.

yes(X) no()

(d) The least damaging alternative has no other
significant environmental effects.

yes(X) no()

(2) Other program requirements:

(a) The proposed activity violates applicable State
water quality standards or Section 307 prohibitions or effluent
standards.

yes() no(X)

(b) The proposed activity jeopardizes the continued
existence of federally listed threatened or endangered species
or affects their critical habitat.

yes() no(X)

(c) The proposed activity violates the requirements of
a federally designated marine sanctuary. yes() no(X)

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(3) The activity will cause or contribute to significant degradation of waters of the United States, including adverse effects on human health; life stages of aquatic organisms; ecosystem diversity, productivity and stability; and recreational, esthetic, and economic values.

yes() no(X)

(4) Minimization of adverse effects:

(a) Appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem.

yes(X) no()

(b) Compensatory mitigation: Mitigation will be completed in accordance with Section 373.4137 of the Florida Statue (a.k.a. Senate Bill 1986). The Corps has evaluated the Uniform Mitigation Assessment Methodology (UMAM) provided by the applicant and determined the project will have an approximate functional loss of 3.65 units due to direct impacts. The secondary impacts total approximately 9.89 acres for a functional loss of 0.67 units. A total of 4.32 credits are required to full off-set Corps jurisdictional wetland impacts.

The mitigation for these projects was updated as part of the SJRWMD 2008 FDOT Mitigation Plan, Basin 18: I-95 Basin 18 Project Group SJ53, (pgs. 21-22). Previously approved mitigation planned for this mitigation group consists of a combination of preservation and habitat enhancement and purchase of mitigation bank credits. Up to 5.44 acres of impact may be offset by credit purchase at two credits per impact acre. The lowest price from either East Central Florida (South) Mitigation Bank, Colbert Cameron Mitigation Bank, TM Econ Bank or Farmton West Mitigation Bank will determine which bank is used. In the event that SJRWMD is not able to obtain a cost-effective price for credits, the preservation and enhancement component of this

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mitigation group will be increased to provide mitigation for the impacts. The remaining impacts will be offset by preservation and enhancement of approximately 50 to 200 acres of preservation and enhancement as additions to existing conservation lands within the basin.

The compensatory mitigation provided by the applicant may exceed the amount of compensatory mitigation required, 4.32 units of functional loss, by the Corps to off-set impacts to waters of the United States (wetlands). The applicant will not be required to provide more mitigation than what is required to off-set impacts. Each of the federally approved mitigation banks referenced above has a service area that encompasses the project site and has federal credits for sale.

b. Findings: The project complies with the Guidelines because the proposed site for the discharge of dredged or fill material complies with the Section 404(b)(1) guidelines with the inclusion of the special conditions for mitigation.

10. Public interest review:

a. Public interest factors: The Corps reviewed all of the public interest factors. The Corps considers the public interest factors identified below as relevant to this proposal. The Corps considered both cumulative and secondary impacts on these public interest factors.

(1) Conservation: Impacts are proposed adjacent to the existing roadway. The applicant will obtain additional right-of-way for pond site locations. A review of conservation lands owned by Brevard County indicates no conservation lands are proposed for impact.

(2) Economics: The takings of business are not anticipated for the project completion. No adverse impacts to economics are anticipated.

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(3) Aesthetics: The roadway will be designed to current federal, state, and county design standards. No adverse impacts are anticipated.

(4) General environmental concerns: The applicant has completed endangered species surveys throughout the project corridor and did not observe any listed species. The roadway will be widened to the inside of the existing travel lanes and wetland impacts will be mitigated. The applicant will upgrade the existing stormwater management system to treat roadway runoff which is not currently being treated. No adverse environmental impacts are anticipated.

(5) Wetlands: The applicant has significantly reduced impacts to wetlands by widening to the inside of the existing travel lanes. Impacts associated with pond sites are not avoidable due cost and functional placement. Wetland impacts will be fully mitigated. No adverse wetland impacts are anticipated.

(6) Historic and cultural resources: No adverse impacts are anticipated. This determination is supported by the lack of comments received from the SHPO.

(7) Fish and wildlife values: The project has been reviewed by the FWS and it has been determined that no federally listed species will be impacted. The improvement of the existing stormwater management system will have a net benefit to fish and wildlife values. No adverse impacts are anticipated.

(8) Flood hazards: No flood hazards are anticipated. The applicant has designed the expansion to include extension of existing cross drains which alleviate flooding concerns.

(9) Floodplain values: The applicant has indicated the project does not have any flood plain impacts. No adverse

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impacts to floodplain values are anticipated.

(10) Land use: The widening will occur within the existing right-of-way. Pond sites will be acquired from the property owners. No adverse impacts are anticipated.

(11) Navigation: The proposed project does not cross navigable waters. No impacts are anticipated.

(12) Shore erosion and accretion: The proposed project will not have an adverse impact on shore erosion or accretion as it is not located in navigable waters. Stormwater treatment systems will reduce any potential impacts associated with sedimentation in drainage ditches.

(13) Recreation: The proposed project is located along the existing interstate; no adverse impacts to recreation are anticipated.

(14) Water supply: N/A

(15) Water quality: The applicant will provide water quality treatment and stormwater collection systems in accordance with State of Florida standards. No adverse impacts to water quality are anticipated.

(16) Energy needs: N/A

(17) Safety: The proposed project is needed to address the increase in travel along I-95. This portion of I-95 in Florida has a very low level of service and is anticipated to reach a level of service "F" in the next 5 years. The proposed widening will provide for safer travel and improve the level of service along the roadway. No adverse impacts to safety are anticipated. The applicant will conduct improvements in accordance with federal and state safety guidelines.

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(18) Food and fiber production: The widening of I-95 will allow for faster and safer movement of food and fiber products within the State of Florida.

(19) Mineral needs: N/A

(20) Considerations of property ownership: The project occurs within the existing right-of-way. Adjacent property owners were notified of the proposed project and no adverse comments were received.

b. Describe the relative extent of the public and private need for the proposed structure or work: Public needs include employment opportunities and a potential increase in the local tax base. Public benefits include improved travel safety and employment opportunities.

c. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

d. Describe the extent and permanence of the beneficial and/or detrimental effects, which the proposed work is likely to have on the public, and private uses to which the area is suited: Detrimental impacts are expected to be minimal although they would be permanent in the construction area. The beneficial effects associated the project will include an increase in the roadway level of service, reduced travel times, increased travel safety, and reduction in fuel costs.

e. Threatened or endangered species: The applicant has conducted extensive endangered species surveys and has not observed the presence of any federally threatened or endangered species within the project corridor. The Corps determined the project would have no effect on any listed threatened or

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endangered species or designated critical habitat. The Corps requested USFWS concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

The FWS concurred with the Corps determinations via letter dated 5 January 2009.

f. Corps wetland policy: The proposed wetland alteration is necessary to realize the project purpose. The proposed work should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. Therefore, the project is in accordance with the Corps wetland policy.

g. Cumulative and secondary Impacts: The proposed project is associated with an existing interstate which is undersized for future roadway capacity. Mitigation provided by the applicant would provide long-term functional replacement; therefore, no cumulative impact to wetland functions should result from the project. Additionally, the applicant will provide mitigation within the same drainage basin further reducing possible cumulative impacts. The applicant will upgrade the stormwater management system to meet current design standards which will result in a benefit to the aquatic ecosystem.

Because the widening will occur to the inside of the travel lanes of an existing interstate, secondary impacts were only estimated around the new pond sites. The impacts were estimating using a 150 wetland buffer. No other secondary impacts were estimated because the applicant is widening to the inside of an existing interstate. Minor wetland impacts will occur at culvert crossings, but no secondary impacts are anticipated at these locations. The use of silt screens and Best Management Practices will also reduce the potential of secondary impacts.

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h. Corps analysis of comments and responses: All comments received in response to the public notice were considered in this evaluation. Wetland impacts have been avoided to the greatest extent practicable.

11. Essential Fisheries Habitat (EFH): The public notice included an initial determination that the project would not have an adverse impact on EFH or Federally managed fisheries. The NMFS did not provide any EFH conservation recommendations in response to the public notice. Therefore, the Corps is satisfied that the consultation procedures outlined in 50 CFR Section 600.920 of the regulation to implement the EFH provisions of the Magnuson-Stevens Act have been met.

12. Public Hearing Evaluation: N/A

13. Determinations:

a. Finding of No Significant Impact (FONSI): Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. Compliance with 404(b)(1) Guidelines: Having completed the evaluation in paragraph 8 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

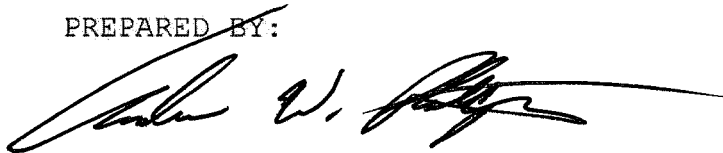
c. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed de minimis levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part

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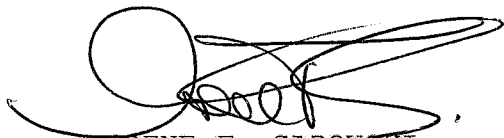
Department of the Army permit is not contrary to the public
interest.

PREPARED BY:



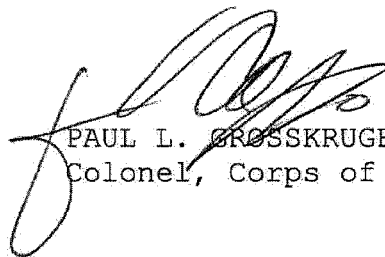
ANDREW W. PHILLIPS
Project Manager
North Permits Branch

REVIEWED BY:



IRENE F. SADOWSKI
Chief, Cocoa Permits Section
Commanding

APPROVED BY:



PAUL L. GROSSKRUGER
Colonel, Corps of Engineers

cc: RD-PE